

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re LEETREEANNA B., a Person
Coming Under the Juvenile Court Law.

ORANGE COUNTY SOCIAL SERVICES
AGENCY,

Plaintiff and Respondent,

v.

DION B. et al.,

Defendants and Appellants.

G032832

(Super. Ct. No. DP006985)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Donna Crandall, Judge. Reversed.

Jennifer Mack, under appointment by the Court of Appeal, for Defendant and Appellant Dion B.

Lora A. Fields, under appointment by the Court of Appeal, for Defendant and Appellant Loretta H.

Benjamin P. de Mayo, County Counsel, and Dana J. Stits, Deputy County Counsel, for Plaintiff and Respondent.

* * *

Dion B. and Loretta H. appeal from the order terminating parental rights to their child, Leetreeanna B. All parties have stipulated that the juvenile court's order should be reversed and the remittitur issued forthwith because the Orange County Social Services Agency (SSA) did not provide the juvenile court with evidence of proper notice under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) (ICWA). The parties have further stipulated that SSA is to comply with the ICWA notice procedures and properly notice the Lakota and Sioux nations in the Nebraska region and the Bureau of Indian Affairs.

We have examined the record and find “[t]here is no reasonable possibility that the interests of nonparties or the public will be adversely affected by [a] reversal” in this case and “[t]he reasons of the parties for requesting reversal outweigh the erosion of public trust that may result from the nullification of a judgment and the risk that the availability of stipulated reversal will reduce the incentive for pretrial settlement.” (Code Civ. Proc., § 128, subds. (a)(8)(A) & (a)(8)(B).) Reversal is in the best interest of the parties because it will avoid prolonged litigation involving the application of ICWA and will allow the juvenile court to ensure that the rights of the Indian tribes are satisfied.

Accordingly, we accept the stipulation and reverse. The juvenile court is directed to reappoint trial counsel for the appellants and set an ICWA notice review hearing date. At the hearing, the juvenile court will read, consider, and file SSA's ICWA notice, permit a thorough review of the notice by all counsel, hear and consider argument from all counsel as to the sufficiency of the notice, rule on the sufficiency of the notice, and issue an order on whether ICWA applies. If a tribe determines that the child is an Indian child or is eligible to become an Indian child, the juvenile court shall proceed according to ICWA and California Rules of Court, rule 1439. Alternatively, if no tribe determines the child is an Indian child or eligible to become an Indian child, the juvenile court shall then reinstate its August 4, 2003 order terminating parental rights, subject to

the juvenile court's consideration of any circumstances that occurred during this appeal that may affect the outcome. The remittitur shall issue forthwith.

SILLS, P. J.

WE CONCUR:

RYLAARSDAM, J.

IKOLA, J.